

THE HONORABLE JOHN C. COUGHENOUR

Noted for Hearing: September 7, 2007

Without Oral Argument

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LUIS TORRES, Individually and on behalf of
all others similarly situated,

Plaintiff,

v.

MICROSOFT CORPORATION, a Washington
Corporation,

Defendant.

) No. 07-CV-1121 JCC

) Hon. John C. Coughenour

) **STIPULATED ORDER GRANTING**
) **PLAINTIFFS' JOINT MOTION TO**
) **CONSOLIDATE RELATED CASES;**
) **APPOINT INTERIM CLASS COUNSEL;**
) **APPROVE PROPOSED LEADERSHIP**
) **STRUCTURE; AND SCHEDULE**
) **CONSOLIDATED COMPLAINT**

STEVE CARLIE, Individually and on behalf of
all others similarly situated,

Plaintiff,

v.

MICROSOFT CORPORATION, a Washington
Corporation,

Defendant.

) No. 07-CV-1132 JCC

) Hon. John C. Coughenour

[Caption continues on next page.]

STIPULATED ORDER GRANTING PLAINTIFFS' JOINT
MOTION TO CONSOLIDATE; APPOINT INTERIM CLASS
COUNSEL; APPROVE PROPOSED LEADERSHIP STRUCTURE
(07-1121 JCC; 07-1132 JCC; 07-1270 JCC; 07-1271 JCC;
07-1295 JCC) Page - 1

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1 CHRISTINE MOSKOWITZ and DAVID) Case No. 07-CV-1270 JCC
2 WOOD, Individually and on behalf of all others)
3 similarly situated,) Hon. John C. Coughenour
4)
5 Plaintiffs,)
6)
7 v.)
8)
9 MICROSOFT CORPORATION, a Washington)
10 Corporation,)
11)
12 Defendant.)

8 HEIDI LING, As parent and natural guardian of) Case No. 07-CV-1271 JCC
9 ROBERT LING III, Individually and on behalf)
10 of all others similarly situated,) Hon. John C. Coughenour
11)
12 Plaintiff,)
13)
14 v.)
15)
16 MICROSOFT CORPORATION, a Washington)
17 Corporation,)
18)
19 Defendant.)

15 JUSTIN HANSON, Individually and On Behalf) Case No. 07-CV-1295 JCC
16 of All Others Similarly Situated,)
17) Hon. John C. Coughenour
18 Plaintiff,)
19)
20 v.)
21)
22 MICROSOFT CORPORATION, a Washington)
23 Corporation,)
24)
25 Defendant.)
26)

23 THIS MATTER having come on before the above-entitled Court and the Court having
24 reviewed the files and records herein and being fully apprised in the premises, now, therefore,

25 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that there are five related
26 putative class action lawsuits (the “Actions”) presently pending before this Court:

STIPULATED ORDER GRANTING PLAINTIFFS’ JOINT
MOTION TO CONSOLIDATE; APPOINT INTERIM CLASS
COUNSEL; APPROVE PROPOSED LEADERSHIP STRUCTURE
(07-1121 JCC; 07-1132 JCC; 07-1270 JCC; 07-1271 JCC;
07-1295 JCC) Page - 2

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Torres v. Microsoft Corp.	07-CV-1121	7/18/2007	Hon. John C. Coughenour
Carlie v. Microsoft Corp.	07-CV-1132	7/19/2007	Hon. John C. Coughenour
Moskowitz v. Microsoft Corp.	07-CV-1270	8/14/2007	Hon. John C. Coughenour
Ling v. Microsoft Corp.	07-CV-1271	8/14/2007	Hon. John C. Coughenour
Hanson v. Microsoft Corp.	07-CV-1295	08/20/2007	Hon. John C. Coughenour

Plaintiffs in all five of these putative class action lawsuits seek to represent substantially the same proposed class of people for essentially the same claims. The five putative class action lawsuits are based on similar factual allegations and are asserted against the same defendant, Microsoft Corporation. Through the present motion, the plaintiffs in these actions, Luis Torres, Steve Carlie, Christine Moskowitz, David Wood, Heidi Ling, and Justin Hanson (collectively, "Plaintiffs"), jointly seek to have their separate actions consolidated pursuant to Rule 42(a) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that

(1) The five causes of action listed above are hereby consolidated for all purposes pursuant to Federal Rules of Civil Procedure, Rule 42(a) under United States District Court Western District of Washington at Seattle Master Cause No. _____. Every pleading filed in the consolidated action shall bear the following caption:

**IN RE MICROSOFT XBOX 360
SCRATCHED DISC LITIGATION**

Master Cause No.

The files of these consolidated actions shall be maintained in one file under the Master Cause No. _____. In the event that any party wishes to file a pleading that relates only to fewer than all of the consolidated actions, the filing shall be designated, with the following

subcaption:

**IN RE MICROSOFT XBOX 360
SCRATCHED DISC LITIGATION**

Master Cause No.

This Document Relates To: Cause No. [] [Name of Plaintiff]

Unless so designated, any filing in this action will be deemed to relate to all actions consolidated under the Master Cause No. _____.

(2) Without prejudging the propriety of class certification, the Court hereby appoints the following firms as interim class counsel pursuant to Federal Rules of Civil Procedure, Rule 23(g)(2):

- (a) Stritmatter Kessler Whelan Coluccio;
- (b) Chitwood, Harley, Haynes LLP
- (c) Wasserman, Comden & Casselman, LLP;
- (d) Keller Rohrback L.L.P.;
- (e) Kabateck Brown Kellner LLP;
- (f) The Hodkin Kopelowitz Ostrow Firm, PA; and
- (g) Krause Kalfayan Benink & Slavens, LLP.

(3) The leadership structure proposed by Plaintiffs is hereby approved as follows:

Plaintiffs' Liaison Counsel

Stritmatter Kessler Whelan Coluccio;

Co-Lead Plaintiffs' Counsel

Chitwood Harley Harnes, LLP; and

1 The Hodkin Kopelowitz Ostrow Firm, P.A.;

2 Executive Committee -

3 Stritmatter Kessler Whelan Coluccio;

4 Chitwood Harley Harnes, LLP;

5 The Hodkin Kopelowitz Ostrow Firm, P.A.;

6 Kabateck Brown Kellner, LLP;

7 Keller Rohrback L.L.P.;

8 Krause Kalfayan Benink and Slavens, LLP; and

9 Wasserman Comden & Casselman, LLC.

10

11 (4) Plaintiffs' Liaison Counsel shall be responsible for communications with

12 Defendant's counsel, so that Defendant's counsel's communications to Plaintiffs' Liaison

13 Counsel shall be deemed for all purposes as having been conveyed to all Plaintiffs' counsel listed

14 in this Order.

15

16 (5) Any subsequently filed complaints asserting similar claims shall be consolidated

17 herewith for all purposes and subject to this Order.

18 (6) Plaintiffs' Consolidated Complaint shall be filed and served no later than fourteen

19 (14) days from the date the Court enters this Order.

20 (7) Defendant's response to Plaintiffs' Consolidated Complaint shall be filed no later

21 than thirty (30) days after the filing and service of Plaintiffs' Consolidated Complaint.

22 DATED THIS ____ day of _____, 2007.

23

24 _____

25 Hon. John C. Coughenour

26 United States District Judge

1 Presented By:

2
3 KELLER ROHRBACK L.L.P.
4 Plaintiffs' Counsel

5 By /s/ Amy Williams-Derry
6 Mark A. Griffin, WSBA #16296
7 Lynn Lincoln Sarko, WSBA #16569
8 Amy Williams-Derry, WSBA #28711

9 STRITMATTER KESSLER WHELAN COLUCCIO
10 Paul L. Stritmatter
11 Kevin Coluccio
12 Plaintiffs' Liaison Counsel

13 CHITWOOD HARLEY HARNES, LLP
14 Darren Kaplan
15 Greg Keller
16 Katie King
17 Co-Lead Plaintiffs' Counsel

18 THE HODKIN KOPELOWITZ OSTROW FIRM, P.A.
19 David Ferguson
20 Adam Hodkin
21 Jeff Ostrow
22 Co-Lead Plaintiffs' Counsel

23 WASSERMAN, CONDEN & CASSELMAN, LLC
24 Melissa Harnett
25 Christopher P. Warne

26 KRAUSE KALFAYAN BENINK & SLAVENS, LLP
Eric Benink

KABATECK BROWN KELLNER LLP
Brian S. Kabateck
Richard L. Kellner
Alfredo Torrijos
Plaintiffs' Counsel

DAVIS WRIGHT TREMAINE LLP
Counsel for Defendant Microsoft Corporation

1 By /s/Stephen M. Rummage

2 Stephen M. Rummage

3 Cassandra Kinkead

4 *Of counsel:*

5 Charles B. Casper

6 MONTGOMERY, McCRACKEN, WALKER & RHOADS, LLP